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To: Microsoft ATR
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Subject: Microsoft Settlement

The proposed settlement for the Microsoft antitrust case is a very bad idea, given its current state. It is full of potential loopholes due to vague and/or excessively narrow wording in many areas, which give Microsoft an advantage, effectively rewarding it instead of punishing it. Furthermore, some of the conditions in it will exclude competitors' software from working with Microsoft; for example, it only is required to provide information on API's to "reasonable businesses," the definition of which is first left up to Microsoft (effectively allowing it to arbitrarily exclude whichever competitors it wants by claiming them not to be reasonable businesses), and which does not include free software or open source software, including Linux and software written for Linux that helps interface with proprietary Microsoft protocols and/or file formats. Also, there is no provision to prevent it from patenting everything it controls, including software technologies, in order to lock out other operating systems from using similar technologies. (For example, note Microsoft's recent acquisition of some of SGI's three-dimensional graphics patents; it could prevent competitors using OpenGL or similar software from using them anymore.)

Given that Linux is one of its few true competitors simply due to its nature (it cannot be bought out or beaten price-wise by Microsoft due to its free downloads; and it cannot be completely crushed due to its programmers being scattered around the globe, i. e. its decentralization; etc.), it and similarly free operating systems must be allowed to interface with it in order to keep a foothold in the market. Denying them that will eventually remove them as competitors, allowing consumers no alternative other than Microsoft.

A good settlement must level the playing field, so to speak. It must allow for interoperability between Microsoft and other operating systems; it must allow other operating systems to gain more than tiny fractions of the desktop market, and to keep and/or gain in the server market; in short, it must allow the most superior technology, rather than the technology with the most market share, to triumph with consumers. If this is not done, those consumers may be stuck with inferior technologies and have no alternatives to them. Also, not doing so would imply that if a company is rich enough and powerful enough, they can do whatever they wish and escape all negative consequences should they ever incur any; what does that say to other businesspeople?

To reiterate, the current settlement with Microsoft is no true punishment; it must be expanded so that it truly will allow competing technologies, if superior to Microsoft's, to gain true footholds and become standards. Technological standards must not be dictated by the highest bidder, but rather by the strength and superiority of the technology. Microsoft is not hindered by the current settlement; it could just exploit whatever loopholes it finds and ignore whatever provisions it disagrees with, as it did with the 1994 antitrust ruling against it. Do not let history repeat itself; Microsoft has broken laws, and must truly be punished for it.

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